

# FOX RIVER CURRENT

Update from the Lower Fox River Intergovernmental Partnership

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## Can You Have Your Fish and Eat it Too?

By Greg Swanson, Wisconsin Department of Natural Resources

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Over the past quarter century, the water quality of the Lower Fox River and Green Bay has improved greatly. As a result, the fishery is improving and drawing more and more anglers. Unfortunately, fish consumption advisories continue on the Fox River and Green Bay fish because of the polychlorinated biphenyls (PCB's) they've picked up from the sediments and eating other fish. As anglers prepare to take advantage of the spring walleye run, it's a good time to remind people about the fish advisories.

Green Bay south of Marinette, the Fox River from it's mouth up to the DePere Dam and the river from the DePere Dam up to Little Lake Butte des Morts have different fish consumption advisories. The differences reflect both the level of contamination in those waters and the kinds of fish found there. Several years back, fish consumption advisories grouped fish into two categories, "Eat" or "Don't Eat." However, the Department of Health and



Fish advisory signs like the one above are posted along the Fox River.

Family Services recognizes that fish can be a high quality source of nutrition. Fish are naturally low in fat and high in protein and other nutrients. For this reason, the advisories now lead people toward eating the appropriate amounts of the safest fish from each body of water. Now there are a number of levels of advice, depending upon how much PCB contamination is in the fish.

The following is a summary of the advisories on the Lower Fox River and Green Bay:

**Fox River - Little Lake Butte des Morts down to the DePere Dam:**

- Yellow Perch--No more than one meal a week or 52 meals a year.
- Walleye, northern pike, white bass, white perch or smallmouth bass--No more than one meal a month or 12 meals a year.
- Do not eat any carp.

**Fox River - DePere Dam down to the mouth of the river at Green Bay:**

- Walleye under 16 inches, bluegill, rock bass, yellow perch, black crappie under 9 inches, sheepshead under 10 inches, and northern pike under 25 inches--No more than one meal a month or 12 meals a year.
- Walleye between 16 and 22 inches, white sucker, white perch, smallmouth bass, black crappie over 9 inches, sheepshead between 10 and 13 inches, and northern pike over 25 inches--No more than one meal every two months or 6 meals a year.
- Do not eat any walleye over 22 inches, white bass, carp, channel catfish, or sheepshead over 13 inches.

**Green Bay south of Marinette:**

- Yellow perch and northern pike less than 22 inches--No more than one meal a week or 52 meals a year.
- Walleye and brown trout under 17 inches, smallmouth bass, white sucker, rainbow trout, northern pike larger than 22 inches, chinook salmon

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under 30 inches, and splake under 16 inches--No more than one meal a month or 12 meals a year.

- Walleye between 17 and 26 inches, white perch, channel catfish, whitefish, chinook salmon over 30 inches, splake between 16 and 20 inches and brown trout between 17 and 28 inches--No more than one meal every two months or 6 meals a year.
- Do not eat any walleye over 26 inches, white bass, carp or sturgeon, splake over 20 inches or brown trout over 28 inches.

By following these advisories, you will minimize your exposures to PCBs in the larger fish from the most contaminated waters. The long-term public health goal for the Lower Fox River is to reduce our reliance on the advisories by lowering the PCB levels in the fish. While no single remedy will completely eliminate the need for fish consumption advisories immediately, we do know that a cleanup can lead to reducing those PCBs to a safe level. An example of this exists in the Waukegan Harbor on Lake Michigan in Illinois, where a cleanup was completed in 1993. Consequently, fish consumption advisories were removed in 1997. Left in place, the PCBs currently in the sediments of the Lower Fox River and Green Bay will contribute to fish consumption advisories indefinitely. The effectiveness of the cleanup actions will be measured based on how each action most effectively reduces our reliance on the consumption advisories in the shortest time practical.

The health information on fish consumption can also be found on the internet at: <http://dnr.state.wi.us> **EXIT EPA** in the section on Outdoor Activities.

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## Partnership Holds Briefing, Workshop for Municipal Officials

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By Susan Pastor, U.S. Environmental Protection Agency

"Back by popular demand" -- a special briefing for local government representatives was held by the Fox River Intergovernmental Partnership on January 19 at the Radisson Hotel in Green Bay.

The briefing was a unique opportunity for Fox Valley municipal staff and elected officials to meet high-level decision makers including U.S. Environmental Protection Agency (EPA) Regional Administrator Frank Lyons and Oneida Tribal Chairman Gerald Danforth.



Eugene Metoxen pays close attention during the cleanup process workshop on January 19 in Green Bay.

Approximately 25 people attended, representing 10 cities, counties, villages and tribes. Among the topics discussed were potential municipal liability, municipal participation, and cleanup project status.

According to Greg Hill, Wisconsin Department of Natural Resources water quality modeling section chief and meeting moderator, the meeting was held "because all of us are committed to this cleanup project."

Although cleanup is a priority, U.S. Fish and Wildlife Service (FWS), National Oceanic and Atmospheric

Administration (NOAA) and the Oneida and Menomonee Tribes are also committed to completing a natural resources damages assessment (NRDA). Charles Wooley, FWS Assistant Regional Director, said the NRDA would be integrated with the ongoing remedial investigation and feasibility study (RI/FS) of the Lower Fox River. "We will be following federal regulations to the nth degree," he explained. "Our intent is to finalize the NRDA report this spring ... working with our (natural resources) co-trustees. We will be seeking a global settlement and hoping for fruitful negotiations with the PRPs (potentially responsible parties)."



This was the third meeting of its kind. The others, held in 1998, brought nearly 70 local officials together to discuss the future of the Lower Fox River project with agency and tribal leaders. Bri Bill, EPA community involvement coordinator who attended those meetings, said it appeared that local officials enjoyed the opportunity to provide their input. "Based on the feedback I have received when talking to municipal officials, these meetings were beneficial to everyone -- especially to those who asked questions of a particular agency or tribe."

In addition to the afternoon gathering, an optional cleanup basics workshop was offered in the morning, preceding the meeting. Twenty-four people attended the workshop to learn how the cleanup process works and how it affects the Lower Fox River. The three-hour session, which was presented in response to several requests for a "class," covered explanations of a typical investigation, proposed cleanup plan, legal scenario and Superfund listing.

As the agencies move from investigation to cleanup, Hill said that similar meetings and workshops could be held in the future.

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## **Fox River Puzzler: Some people say PCB contamination is only a problem for people who eat fish. Are they right?**

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By Dave Crehore, Wisconsin Department of Natural Resources

No. Lots of other people are affected by polychlorinated biphenyl (PCB) contamination.

The PCB "pathway" in the Fox River and Green Bay works like this: PCBs move from the sediment to insects and other small critters, from them to fish and wildlife, and finally from fish and wildlife to people. As time passes, more and more living things are contaminated, in an ever-expanding area.

At public hearings held in the Fox Valley early in 1999, some people opposed a PCB cleanup because they believed only a handful of "fish-eaters" would benefit from it. "A small portion of the cleanup bill would buy enough fish lunches for these people for a lifetime," somebody said. But fish lunches are only part of the problem. PCBs in the Fox River sediments are contaminating an entire living system, from Neenah-Menasha to the Bay of Green Bay and beyond. Unless something is done, the contamination will continue for decades. It's only common sense to keep it from spreading and getting worse. In 1998, more than 50,000 residents of Brown and Outagamie Counties bought fishing licenses. That's a lot of "fish-eaters." How many of the residents of the Valley would enjoy fishing a river right at their doorstep if the fish were safe to eat? Also, tens of thousands of people fish Green Bay and Lake Michigan. A whole industry has grown up around that fishery: boat sales, marinas, bait and tackle, charter fishing, lodging and hospitality. That industry might be even larger if there were no need for fish consumption advisories.

Those who say that PCB contamination is only a problem for fish-eaters are writing off the welfare and interests of a lot of people -- to say nothing of the contaminated fish and wildlife.

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## Out and About...

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By Susan Pastor, U.S. Environmental Protection Agency

The Fox River Intergovernmental Partnership, comprised of U.S. Environmental Protection Agency (EPA), Wisconsin Department of Natural Resources (DNR), U.S. Fish and Wildlife Service (FWS), National Oceanic and Atmospheric Administration (NOAA), Oneida Tribe of Indians of Wisconsin, and Menominee Indian Tribe of Wisconsin, regularly provides speakers to organizations in the Fox Valley area. The following partners recently made presentations:

### December

- Ed Lynch and Greg Hill, DNR, Glenn Warren, EPA, David Allen, FWS: American Geological Institute, Neenah; peer review models.
- George Boronow, DNR: Kaukauna Rotary Club; cleanup of the Fox River.

### February

- George Boronow, DNR: Green Bay Waterways Working Group; cleanup of the Fox River.
- Bob Paulson, DNR: UW-Madison Environmental Toxicology Research Seminar; Fox River Cleanup.
- Dave Devault, FWS, David Allen, FWS, David Glaser, FWS consultant, Mark Velleux, DNR: American Geological Institute, Neenah, peer review models.
- Steve Laszewski, Foth & Van Dyke \_ DNR consultant: UW-Madison Environmental Engineering Seminar series.
- Bill Fitzpatrick, DNR: UW-Madison Environmental Engineering Seminar series.

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## Our Readers Have Spoken

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By Bri Bill, U.S. Environmental Protection Agency

As a recipient of the January/February *Fox River Current*, you were asked to fill out a short questionnaire to express your opinions on the newsletter. Here's what you've told us, so far.

Most of you who responded said you read the *Fox River Current* cover to cover and that it provides the information you need. Positive responses were received on the "Profile on..." column. One reader even commented, "It's my favorite part!"

Many of you provided names and addresses of friends and co-workers that might like to receive the *Current* and we will add them to the mailing list. We also received suggestions to include articles on the pros and cons of cleaning up the river, cleanup technologies such as capping and natural recovery, perspectives of the tribes, polychlorinated biphenyl (PCB) cleanup sites around the country, the increases in bird populations, and the impact of PCB's on children. One respondent asked that we include more site maps and diagrams to go along with the articles.

Although most responses were positive, several of you noted that we tend to be a little long winded and requested shorter articles and/or a shorter newsletters. Several others noted that the newsletter is too "governmental," requesting alternate points of view on controversial topics.

The *Fox River Current* staff will do its best to follow through on your suggestions. If you have not yet responded, we would still like to hear from you! If you have misplaced your January/February 2000 edition, which contains the survey, you may obtain a copy from Bri Bill, EPA Community Involvement Coordinator, at 1-800-621-8431 ext. 36646.

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## It's All About Working Together

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By Greg Swanson, Wisconsin Department of Natural Resources

Recently, U.S. Environmental Protection Agency (EPA) Region 5 Administrator, Francis Lyons wrote to Wisconsin Department of Natural Resources (DNR) Secretary George Meyer commenting on the recent successes of the DNR and its staff in working on the Fox River projects. Administrator Lyons letter says, in part, "Congratulations on the completion of the sediment remediation work at the Fox River -- Deposit N site by the Wisconsin Department of Natural Resources. It has been a pleasure for the (EPA's) Great Lakes National Program Office to participate in a partnership with the WDNR that demonstrates the effectiveness of dredging to remediate and restore the Fox River."

Lyons went on to say, "I would also like to specifically acknowledge the work of WDNR's project manager, Bill Fitzpatrick. Bill provided strong leadership and used innovative approaches to solving technical, public outreach and program management issues. His efforts kept the local community informed and contributed to the successful completion of the project."

This is just one example of how the Intergovernmental Partners cooperate and appreciate each other's efforts and demonstrates that making this project a success is all about working together.

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## Profile On...Frank Lyons

Chicago native returns home to serve as  
EPA Regional Administrator

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By Susan Pastor, U.S. Environmental Protection Agency

Francis Lyons, who began his government career as an Illinois assistant attorney general, may be a newcomer to the U.S. Environmental Protection Agency (EPA), but he is not new to large, complex Superfund projects.

After serving more than four years in Washington DC as an attorney in the U.S. Department of Justice's (DOJ) Environmental Enforcement Section, Lyons, 38, came back to his hometown a year ago to accept the position of regional administrator for EPA's Region 5 office. Staff quickly



Francis X. Lyons

involved him in the Lower Fox River, one of the region's more complicated projects. He admits, however, that his DOJ experience prepared him well. "I worked on a lot of different cases in both supporting roles and as lead counsel," the 1988 Loyola University School of Law graduate explained. "Sometimes I worked on a team and sometimes I was the only attorney."

As a member of the litigation team for the Helen Kramer Landfill site in southern New Jersey, Lyons oversaw that portion of the case establishing the liability of the many defendants and helped recover \$129 million from a number of responsible parties. For his efforts, he was among those recognized by EPA for a Superfund Enforcement Team of the Year Award. "That was my most significant Superfund case," he said.

In addition, while still new to DOJ, he was part of the Love Canal (New York) Team in which he helped settle the case near its end. "I was involved in the negotiations for cost recovery and natural resource damages," he added.

While not one of his largest DOJ cases, Lyons, recalled his most rewarding project which

required travel to Puerto Rico. There, he investigated a pesticide applicator who reportedly sprayed a farm with pesticides that drifted into a nearby low-income community. With the help of an interpreter, he conducted five days of citizen interviews. Based on the information the citizens provided, a judge ordered that the farm could spray only under conditions that would prevent pesticide drift. "We were able to get `interim injunctive relief' that remains in effect today," he explained. "Our efforts had a direct beneficial effect on the people in the community which was extremely rewarding."

Although he realizes that his environmental and enforcement experience has been helpful in his role as regional administrator, the former U.S. Army Reserve Captain tries not to act as his own lawyer. "While I certainly draw on my experience, I try to make a concerted effort not to act as my own attorney," he stated. "I know that I have over 100 talented and dedicated attorneys to advise me on specific issues, so it's wise to receive the benefit of their counsel and make informed decisions."

Making informed, fair decisions concerning the Lower Fox River was his goal even before he started his EPA tenure. "I was still sitting at my desk in Washington when I got my first inquiry about the Fox River," he recalled. "I knew then it was one of the biggest issues facing the region."

Lyons, who is married and expecting a second child in May, is constantly working through the issues with EPA's federal, state and tribal partners. He said he and his counterparts share the hope for a positive outcome. "Our hope is that we can reach an agreement so the responsible parties (the paper mills) can do the work themselves," he concluded. "In the end, we'll have a remedy that is protective of human health and the environment and is supportable based on the science and the facts. I am certain that we will achieve that goal in the most expeditious manner as possible."

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## For More Information

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### Information Available at Local Libraries

The Intergovernmental Partners invite the public to review technical reports, fact sheets and other documents related to the Lower Fox River cleanup at information repositories set up in the reference sections of the following local libraries. Information repositories at the public libraries in DePere, Kaukauna, Little Chute, Neenah, and Wrightstown have been discontinued. However, binders containing fact sheets will be mailed to and maintained at these locations as well as at the repositories listed below.

**Appleton Public Library**

225 N. Oneida St.  
Appleton  
920-832-6170

**Brown County Library**

515 Pine St.  
Green Bay  
920-448-4381, ext. 394

**Door County Library**

104 S. Fourth Ave.  
Sturgeon Bay  
920-743-6578

**Oneida Community Library**

201 Elm St.  
Oneida  
920-869-2210

**Oshkosh Public Library**

106 Washington Ave.  
Oshkosh  
920-236-5200

### Check out these Web sites:

<http://www.dnr.state.wi.us/org/water/wm/lowerfox> **EXIT EPA ↗**

<http://www.epa.gov/region5/foxriver/>

<http://www.fws.gov/r9dec/nrdar/nrdamain.html> **EXIT EPA ↗**

<http://www.fws.gov/r3pao/nrda/> **EXIT EPA ↗**

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